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23 Oct 02

In re Application of :
David J. STEVENS :
Application No.: 10/070,771 :
PCT No.: PCT/AU00/01062 :
Int. Filing Date: 07 September 2000 :
Priority Date: 07 September 1999 :
Attorney Docket No.: D-43368-01 :
For: METHOD FOR PACKAGING AND :
PACKAGING APPARATUS :

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to the applicant's communications filed consecutively on 25 November 2002 and 16 May 2003. Both communications are being treated as a petition under 37 C.F.R. 1.181 requesting acceptance of a copy of the declaration of the inventor filed with the petition as being submitted on 23 October 2002 and as a request to withdraw the Notification of Abandonment (Form PCT/DO/EO/903) issued by the Office on 15 November 2002 in the above-captioned application. The petition is **GRANTED** as follows:

No petition fee is required.

The evidence submitted by applicant, which includes a copy of the postcard receipt with a USPTO mailroom stamped date of 23 October 2002 itemizing all the papers submitted on filing in the above-captioned application, is sufficient to establish that a declaration of the inventor has been received in the Office on that date. The postcard receipt clearly shows that a Response to Notice to File Requirements, two pages of Declaration and Power of Attorney for applicant Stevens bearing docket No. D-43368-01 and having a title "METHOD FOR PACKAGING AND PACKAGING APPARATUS" were addressed to the "USPTO". A further search in the Office Revenue Accounting and Management database also reveals that the fees associated with the submission of the declaration of the inventor were posted to this account on 25 October 2002. Accordingly, acceptance of a copy of the declaration of the inventor submitted with the petition as being filed on 23 October 2002 is appropriate.

The Notification of Abandonment of Application mailed by the Office on 15 November 2002 was issued in error and is hereby **VACATED**.

The application is being returned to the United States Designated/Elected Office for further processing including the entry of the declaration of the inventor submitted with the petition as being filed on 23 October 2002.



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